



4400  
92 APR 23 PM 2:28

IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
GROUP 120

PATENT

Art Unit: 126

Examiner: J. Reamer

P.D. File No.: 30-2004

Inventors: RICHARD R. HERTZOG ET AL.

Serial No.: 297,333

Filed: January 17, 1989

For: DECOMPOSITION OF CUMENE HYDROPEROXIDE

Petersburg, Virginia 23804  
April 16, 1992

REQUEST FOR RECONSIDERATION

Commissioner of Patents & Trademarks  
Washington, DC 20231

Dear Sir:

This is responsive to the decision of the Board of Patent Appeals and Interferences mailed March 18, 1992. Reconsideration of the decision is respectfully requested.

The decision of the Board fails to address the issue and argument at page 7 of the Brief directed to process stability. At page 2 line 30 through page 3 line 11 of the specification, we discuss the inherent problem of a possible runaway reaction that can result from a relatively large concentration of residual CHP present in a large scale reactor. Stable operation is essential to prevent potentially disastrous explosions. At page 7 of the Brief and with reference to Figure 2 we point out that for a given yield of AMS a much lower concentration of residual CHP is necessary when acetone is recycled to the process than when it is not. Conversely, for a given level of residual CHP (which corresponds to an accepted level of reactor instability) a higher AMS yield is obtained when acetone is recycled to the process than when it is not. Your attention is respectfully directed to the preamble of claim 1 directed to a process "with enhanced safety of operation". This enhanced safety of operation that results from the improved process stability is not taught or suggested by the references

BOARD OF PATENT  
APPEALS &  
INTERFERENCES  
APR 27 1992

3/18/92 #17  
Reg. for Recon

Serial No. 297,333 Filed January 17, 1989

not taught or suggested by the references and is asserted to be evidence of nonobviousness, i.e. unexpected results, that overcome any prima facie case of obviousness established by the references.

The Board is respectfully requested to reconsider their decision and to address the discussion of process stability at page 7 of the Brief as evidence of nonobviousness.

Respectfully submitted,  
RICHARD R. HERTZOG ET AL.

By: William H. Thrower  
William H. Thrower  
Applicants' Attorney  
Registration No. 28,122  
(804) 520-3622

WHT/rbk

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST  
CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF  
PATENTS & TRADEMARKS, WASHINGTON, D.C. 20231

ON April 16, 1992

DATE

William H. Thrower

NAME OF APPLICANT, ASSIGNEE, OR APPLICANT'S ATTORNEY

William H. Thrower

SIGNATURE

April 16, 1992

DATE